

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

**PLAINTIFF'S MOTION TO FILE
UNDER SEAL PURSUANT TO
LOCAL RULE 5.4(c)**

Pursuant to Federal Rule of Civil Procedure 5.2 and Local Rule 5.4(c) of the Rules of Practice and Procedure of the United States District Court for the Middle District of North Carolina, Plaintiff Students for Fair Admissions, Inc. ("SFFA") respectfully moves to file certain documents under seal, as requested by Defendants.

1. On January 18, 2018, SFFA filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. In its supporting brief, SFFA discusses and attaches as exhibits certain discovery materials, including specific deposition testimony and produced documents that are directly relevant to the issues at hand.

2. Pursuant to Section 3.1.1 of the Amended Confidentiality and Protective Order entered by this Court on September 1, 2015 (the "Protective Order") (ECF 61),

Defendant has designated certain information relied upon in this filing as Confidential or Highly Confidential.

3. Ahead of filing its motion for summary judgment and supporting materials, SFFA met and conferred with Defendants' counsel regarding Defendants' confidentiality designations. *See* Local Rule 5.4(c)(1). Defendants agreed that certain materials could be filed without redactions but maintained that several documents should remain confidential.

4. Defendants assert confidentiality with respect to portions of Exhibit 16, UNC0224136-UNC0224143, which is an instant messaging conversation between University of North Carolina employees. Specifically, Defendants assert confidentiality over the names of the participants in the conversation, which are redacted in the public filing.

5. Plaintiff challenges Defendants' designation of the material in Exhibit 16 as Confidential or Highly Confidential under the Protective order.

6. Defendants assert confidentiality with respect to portions of Exhibit 31, specifically UNC0194847-UNC0194848, which is a UNC applicant's transcript.

7. Plaintiff does not challenge Defendants' designation of the sealed pages of Exhibit 31 as Confidential or Highly Confidential.

8. Defendants assert confidentiality with respect to Exhibit 33, which is a "School Group Review" document containing the statistics and ratings of UNC applicants from a particular high school, along with several annotations.

9. Plaintiff does not challenge Defendants' designation of Exhibit 33 as Confidential or Highly Confidential.

10. Defendant, as the party claiming confidentiality over this information, will have fourteen days to file a brief providing the information required by Local Rule 5.4(b).

WHEREFORE, SFFA respectfully request that the Court grant this motion and allow unredacted versions of SFFA's memorandum in support of summary judgment and the accompanying exhibits identified above to be filed under seal.

Respectfully submitted this 18th day of January, 2019.

/s/ Thomas R. McCarthy
Thomas R. McCarthy
CONSOVOY MCCARTHY PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
tom@consovoymccarthy.com

/s/ William S. Consovoy
William S. Consovoy
CONSOVOY MCCARTHY PLLC
3033 Wilson Boulevard, Suite 700
Arlington, Virginia 22201
(703) 243-9423
will@consovoymccarthy.com

/s/ Alan M. Ruley
Alan M. Ruley
N.C. State Bar No. 16407
BELL, DAVIS & PITT, P.A.
P.O. Box 21029
Winston Salem, NC 27120-1029
(336) 714-4147
aruley@belldavispitt.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing motion via the Court's electronic filing system, pursuant to the Electronic Filing Procedures, on all attorneys of record who have entered an appearance by ECF in this matter.

This the 18th day of January, 2019.

/s/ Alan M. Ruley
Alan M. Ruley